



unnecessary motions to dismiss, Plaintiff needing to respond thereto and the Court having to rule on such motions. Counsel for Plaintiff agrees to Defendants' request herein

3. On July 18, 2008, this Court extended the time for Defendants to answer or otherwise plead to August 13, 2008. This extension was premised on Plaintiff's counsel's stated intention to file an amended complaint. The extension would thereby avoid Defendants' unnecessarily answering the current complaint.

4. On August 8, 2008, Plaintiff had not yet filed her amended complaint, but counsel for Plaintiff told Defendants' counsel that he intended to file an amended complaint the following week.

5. Consequently, Defendants' counsel requested, and this Court granted, an extension of the time for Defendants to answer or otherwise plead to September 5, 2008.

6. On August 12, 2008, Plaintiff's counsel represented to Defendants' counsel that he would file the amended complaint on August 22, 2008. *See* E-mail from George Samuels to Allison Miller dated August 12, 2008, attached as Exhibit A hereto.

7. On August 28, 2008, Plaintiff again represented that Plaintiff would file an amended complaint before September 5, 2008. *See* E-mail from Allison Miller to George Samuels dated August 29, 2008, attached as Exhibit B hereto.

8. To avoid unnecessarily requesting an extension of time, Defendants' counsel waited as long as possible for Plaintiff's counsel to file an amended complaint before requesting an extension of time.

9. Plaintiff's counsel has represented to Defendants' counsel that the amended complaint has been mailed to Plaintiff and will be electronically filed upon her receipt, review and signature.

WHEREFORE, Defendants Taco Bell Corp, Mary Beyer and Jacques T. respectfully request that this Court grant this Motion and extend the time within which each must file its answer or other responsive pleading by two weeks, to and including September 19, 2008.

Respectfully submitted,

TACO BELL CORP, MARY BEYER, and  
JACQUES T.

By: /s/Allison L. Miller  
One of Their Attorneys

Julie O'Donnell Allen  
Allison L. Miller  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, IL 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036

**CERTIFICATE OF SERVICE**

Allison L. Miller, an attorney, hereby certifies that on September 4, 2008, she electronically filed the attached with the Clerk of Court using the CM/ECP system, which will send notification of such filing to the following counsel for Plaintiff:

Mark Burden  
George Samuel  
Donohue, Brown, Mathewson & Smyth  
140 South Dearborn Street, Suite 700  
Chicago, Illinois 60603

/s/ Allison L. Miller

**Miller, Allison L.**

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**From:** George Samuel [samuel@dbmslaw.com]  
**Sent:** Tuesday, August 12, 2008 8:27 AM  
**To:** Miller, Allison L.  
**Subject:** Olden-Coe

Hi Allison,  
It's George Samuel from Donohue Brown Mathewson & Smyth. I saw the extension until 9/5/08. I wanted to make sure it's okay with you if I file near the end of next week around the 22nd. Does that give you enough time to respond?

Thanks,  
George Samuel

9/4/2008



**Miller, Allison L.**

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**From:** Miller, Allison L.  
**Sent:** Friday, August 29, 2008 10:53 AM  
**To:** George Samuel  
**Cc:** Allen, Julie O.  
**Subject:** RE: Olden-Coe

George,

I got your voicemail from yesterday regarding the amended complaint. Based on your representation that you will be filing the amended complaint on Tuesday or Wednesday, we are not planning to file a motion for an extension of time today. If you think there is a chance that you will not be able to file the complaint on Tuesday or Wednesday, please let me know as soon as possible.

Have a great holiday weekend!

Allison Miller  
Sidley Austin LLP  
1 South Dearborn St.  
Chicago, IL 60603  
(312) 853-7498

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**From:** George Samuel [mailto:samuel@dbmslaw.com]  
**Sent:** Tuesday, August 12, 2008 8:27 AM  
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9/4/2008